

ORIGINAL

#300011758
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS

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KWAIN BEDDOE
Plaintiff,

v.

EQUIFAX INFORMATION SERVICES
LLC.,
Defendant.

) JURY TRIAL DEMANDED

)

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) Case No.

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3-24CV1097-S

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory brought by Plaintiff Kwain Beddoe an individual consumer against Defendant EQUIFAX INFORMATION SERVICES, LLC ("EQUIFAX") for violations of the Fair Credit Reporting Act, 15 U.S.C § 1681 *et seq.* (hereinafter "FCRA"), to insure fair accurate credit reporting, promote efficiency in the banking system, and protect consumer privacy.
2. The United States Congress has found that the banking system is dependent on fair and accurate credit reporting. Inaccurate credit

reports directly harm the competence of the banking system, and unfair credit reporting methods undermine the public confidence, which is crucial to the continued functioning of the banking system. The “FCRA” seeks to ensure consumer reporting agencies exercise their serious responsibilities with fairness, impartiality, and a respect for the consumers right to privacy because consumer reporting agencies have assumed such an important role in assembling and evaluating consumer credit and other information on consumers. The FCRA also enforces duties on the sources that provide credit information to credit reporting agencies, called “furnishers”.

II. JURISDICTION AND VENUE

3. Jurisdiction of this court arises under 15 U.S.C § 1681 and 28 U.S.C 1331. Venue in this District is proper in that the Defendants transact business in Richardson, Dallas County, Texas, and the conduct complained of occurred in Richardson, Dallas County, Texas.

III. PARTIES

4. Plaintiff Kwain Beddoe (hereinafter “Mr. Beddoe”) is a natural person residing in Richardson, Dallas County, Texas. Mr. Beddoe is a consumer as defined by the Fair Credit Reporting Act, 15 U.S.C. §1681a(c).

5. Upon information and belief, Defendant EQUIFAX INFORMATION SERVICES LLC, is a Georgia corporation qualified to do business in the State of Texas. Upon information and belief, Equifax Information Services LLC is a consumer reporting agency that compiles and maintains files on consumers on a nationwide basis as defined by 15 U.S.C. §1681a(p). Equifax is regularly engaged in the business of collecting, evaluating, and disbursing information concerning consumers for the purpose of furnishing consumer reports, as defined in 15 U.S.C. §1681d, to third parties bearing on a consumer's creditworthiness, credit standing, and or credit capacity.

IV. FACTS OF THE COMPLAINT

6. Plaintiff Beddoe observed six trade lines from different furnishers that he believed to be reporting inaccurately and incompletely.
7. Plaintiff directly disputed and requested Equifax to Investigate these accounts and to remove them from file if found inaccurate or incomplete sent on April 10th with USPS certified mail.
- BARCLAYS BANK DELAWARE: Account Number: 000279*****
 - DISCOVER BANK: Account Number: 601100*****
 - JPCMB CARD Account Number 426684*****
 - JPCMB CARD: Account Number: 426684*****

- NAVY FEDERAL: Account Number: 559792*****
- CAPITAL ONE: Account Number: 517805*****

8. On or about April 18, 2024, Plaintiff received a letter from Defendant stating that “We have received your request concerning inaccurate information on your Equifax credit file. Because the information provided does not match the information, we currently have on your credit file, we ask that you send us a copy of two different items- one from each of the two categories listed below”.

a. IDENTIFICATION

b. CURRENT ADDRESS

9. Upon information and belief, Equifax failed to have a procedure in place to assure maximum possible accuracy. Upon the Plaintiff's request for verification and deletion, and in accordance with its standard procedures, Defendant did not evaluate or consider any of Plaintiff's information which included Passport ID, SSN Card and Copy of Bill with current address, claims, or evidence and did not make any attempt to reasonably re-investigate.

10. Plaintiff received the same exact letter a month prior on March 3rd, 2024, when he sent a letter for Equifax to reinvestigate information on his credit report.

11. Plaintiff adhered to the letter and sent additional documents, but Equifax failed to perform its duties as a credit reporting agency and re-investigate the accounts.
12. Defendant's publishing of such inaccurate and incomplete information has severely damaged the personal and credit reputation of Plaintiff causing her FICO scores to be lowered resulting in her being denied credit or being granted credit with a much higher interest rate, and has caused severe humiliation, emotional distress, and mental anguish.
13. Plaintiff applied for an auto loan with Ally Bank and received a denial letter. Plaintiff has also received credit denials from loans and credit cards including but not limited to Penfed credit union.

V. FIRST CLAIM FOR RELIEF

**15 U.S.C. § 1681e(b)
(Defendant Equifax)**

14. All preceding paragraphs are re-alleged.
15. Defendant violated 15 U.S.C. § 1681e(b) because they failed to follow reasonable procedures to assure maximum possible accuracy of the six trade lines when preparing a consumer report purportedly concerning Plaintiff.

16. Defendant has caused injury in fact to Plaintiff by causing mental and emotional distress, damage to credit rating, damage to credit worthiness, and other damages to Plaintiff.
17. At all times alleged herein, Defendant acted negligently and/or willfully.
18. Defendant is liable to Plaintiff for actual damages, punitive damages, and costs pursuant to
15 U.S.C. §1681n and actual damages, and costs pursuant to 15 U.S.C. §1681o.

VI. SECOND CLAIM FOR RELIEF

**15 U.S.C. §1681i(a)(2)
(Defendant Equifax)**

19. All preceding paragraphs are re-alleged.
20. Defendant has failed to comply with the reinvestigation requirements in 15 U.S.C. §1681i.
21. Defendant has violated 15 U.S.C. § 1681i(a)(2) in that they failed to consider and forward all relevant information to the furnisher of information.
22. Defendant has caused injury in fact, by causing, among other effects, mental and emotional distress, damaging her credit reputation, and resulting credit damage to Plaintiff.
23. Defendant has done so either negligently or willfully.
24. Plaintiff is entitled to actual damages, punitive damages, and costs pursuant 15 U.S.C. § 1681o.

25. Alternatively, Plaintiff is entitled to actual damages, and costs if the violation is negligent, pursuant to 15 U.S.C. §1681n.

VIII. THIRD CLAIM FOR RELIEF

**15 U.S.C §1681i(a)(4)
(Defendant Equifax)**

26. All preceding paragraphs are re-alleged.

27. Defendant has violated 15 U.S.C. §1681i(a)(4) in that they failed to delete information that was inaccurate or could not be verified.

28. Defendant has caused injury in fact to Plaintiff by causing mental and emotional distress, damaging credit rating, and resulting in credit damages to Plaintiff.

29. At all times alleged herein, Defendant acted negligently and/or willfully.

30. Defendant is liable to Plaintiff for actual damages, punitive damages, and costs pursuant to

15 U.S.C. §1681n and actual damages, and costs pursuant to 15 U.S.C. §1681o.

IX. FOURTH CLAIM FOR RELIEF

**15 U.S.C. §1681i(a)(5)
(Defendant Equifax)**

31. All preceding paragraphs are re-alleged.

32. Defendant violated 15 U.S.C. §1681i(a)(5) because they failed to reinvestigate the six tradelines on Plaintiff's consumer report, (ii) failed

to find those tradelines to be inaccurate, and (iii) failed to promptly notify the furnishers that the information was in dispute.

33. Defendant violated 15 U.S.C. §1681i(a)(5) in that they failed to have a procedure to prevent the reoccurrence of inaccurate or unverifiable information.

34. Defendant has caused injury in fact to Plaintiff by causing mental and emotional distress, damage to credit rating, and other damages to Plaintiff.

35. At all times alleged herein, Defendant acted negligently and/or willfully.

36. Defendant is liable to Plaintiff for actual damages, punitive damages, and costs pursuant to

15 U.S.C. §1681n and actual damages, and costs pursuant to 15 U.S.C. §1681o.

X. FIFTH CLAIM FOR RELIEF

**15 U.S.C. §1681i(6)
(Defendant Equifax)**

37. All preceding paragraphs are re-alleged.

38. Defendant violated 15 U.S.C. §1681i(6) because they failed to provide written notice to the consumer containing the results of the re-investigation.

39. Defendant has caused injury in fact to Plaintiff by causing mental and emotional distress, damage to credit rating, and other damages to Plaintiff.

40. At all times alleged herein, Defendant acted negligently and/or willfully.

41. Defendant is liable to Plaintiff for actual damages, punitive damages, and costs pursuant to

15 U.S.C. §1681n and actual damages, and costs pursuant to 15 U.S.C. §1681o.

XI. SIXTH CLAIM FOR RELIEF

**15 U.S.C. §1681i(7)
(Defendant Equifax)**

42. All preceding paragraphs are re-alleged.

43. Defendant has violated 15 U.S.C. §1681i(7) in that they failed to provide a written description of the procedures used to determine the accuracy and completeness of the disputed information.

44. Defendant has caused injury in fact to Plaintiff by causing mental and emotional distress, damaging credit rating, and resulting credit damages to Plaintiff.

45. Defendant acted negligently and/or willfully.

46. Defendant is liable to Plaintiff for actual damages, punitive damages, and costs pursuant to

15 U.S.C. §1681n and actual damages, and costs pursuant to 15 U.S.C. §1681o.

WHEREFORE, Plaintiff Kwain Beddoe respectfully requests that judgment be entered against

Defendant Equifax in an amount to be determined by the Jury.

- A. Actual or statutory damages pursuant to 15 U.S.C. § 1681n(a)(1)(A).
- B. Actual damages pursuant to 15 U.S.C. § 1681o(a)(1);
- C. Costs pursuant to 15 USC § 1681n(a)(3) and 15 U.S.C § 1681o(b);
- D. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:

A handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke, positioned above a horizontal line.

Kwain Beddoe

17817 Coit Road Apt 7307

Dallas, TX 75252

908-937-3528

Kwainb@gmail.com

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

Kwein Beddoe

(b) County of Residence of First Listed Plaintiff

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

3-24CV1097-S

DEFENDANTS

Equifax Information Services, LLC

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

RECEIVED
MAY - 7 2024

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
☒ 3 Federal Question (U.S. Government Not a Party)
☐ 2 U.S. Government Defendant
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- PTF DEF
Citizen of This State ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ 4 ☐ 4
Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

Click here for: [Nature of Suit Code Descriptions.](#)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 INTELLECTUAL PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark <input type="checkbox"/> 880 Defend Trade Secrets Act of 2016 SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input checked="" type="checkbox"/> 480 Consumer Credit (15 USC 1681 or 1692) <input type="checkbox"/> 485 Telephone Consumer Protection Act <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education PRISONER PETITIONS Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

V. ORIGIN (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
☐ 2 Removed from State Court
☐ 3 Remanded from Appellate Court
☐ 4 Reinstated or Reopened
☐ 5 Transferred from Another District (specify)
☐ 6 Multidistrict Litigation - Transfer
☐ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

15 U.S.C. 1681

Brief description of cause:

Violations of the Fair Credit Reporting Act

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE